

GDSVF&H900369.2

5. No payment for or release of the product which may have been used by any third parties is provided here or in the parties' Settlement Agreement, and PSN is free to pursue its damages claim in this action against such third parties other than Multispan.

6. Multispan will no longer manufacture, use, sell or offer to sell polynucleotides encoding the S1P2 (Sphingosine 1-Phosphate Receptor 2/ aka Edg 5/ aka pH218) receptor, polynucleotides hybridizing thereto, complementary polynucleotides, or polypeptides, antibodies and expression data directly transcribed and translated from this specific polynucleotide or polynucleotides hybridizing thereto, and cell lines expressing this specific polynucleotide or polynucleotides hybridizing thereto, but only to the extent the foregoing are covered by claims of the PSN Patents ("S1P2 Technology"), without first obtaining a license from PSN authorizing this.

7. With respect only to a claim that the S1P2 Technology infringes the PSN Patents, Multispan agrees to and hereby waives and relinquishes the right to ever contest the validity or enforceability of either of the PSN Patents and any of their claims in their present form, whether such assertion of invalidity or unenforceability would be made in a court proceeding or Patent Office proceeding, and whether or not such assertion is made with respect to the product in this action or with respect to any other products that may be made, used, sold and/or offered for sale by Multispan in the future.

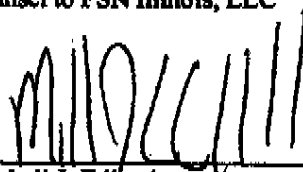
8. All claims and defenses of each of the Parties are hereby dismissed with prejudice.

9. The parties shall each bear their own costs and attorney fees incurred in this action, and the Court shall retain jurisdiction to enforce the terms of this Consent Judgment Order and the corresponding Settlement Agreement between the parties concerning this action.


Dated: April 24 2008

By:   
Mike Mazza  
Counsel to PSN Illinois, LLC

Dated: April 21 2008

By:   
Mitchell J. Edlund  
Counsel to Multispan, Inc.

Dated: April 25 2008

By:   
Honorable William J. Hibbler  
United States District Court Judge